

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES O. BRADLEY TRUST, ET AL.,

Plaintiffs,

No. C 04-02239 JSW

v.

ZENITH CAPITAL LLC, ET AL.,

Defendants.

**NOTICE OF TENTATIVE
RULING AND QUESTIONS
REGARDING MOTION FOR
LEAVE TO FILE THIRD
AMENDED COMPLAINT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE
NOTICE OF THE FOLLOWING **TENTATIVE** RULING AND QUESTIONS FOR THE
HEARING SCHEDULED ON JANUARY 20, 2006 AT 9:00 A.M.:

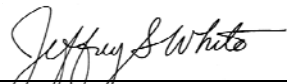
The Court has reviewed the parties' papers and, thus, does not wish to hear the parties
reargue matters addressed in those pleadings. If the parties intend to rely on authorities not
cited in their briefs, they are **ORDERED** to notify the Court and opposing counsel of these
authorities reasonably in advance of the hearing and to make copies available at the hearing. If
the parties submit such additional authorities, they are **ORDERED** to submit the citations to the
authorities only, without argument or additional briefing. *See* N.D. Civ. L.R. 7-3(d). The
parties will be given the opportunity at oral argument to explain their reliance on such authority.

1 The Court **tentatively** GRANTS Plaintiffs' motion for leave to file a third amended
2 complaint.

3 The parties shall each have ten minutes to address the following questions:

- 4 1. In Defendants' opposition, they represent that there are "serious attempts
5 underway to resolve" the litigation, but in the joint case management statement,
6 the parties represent that "settlement does not appear to be imminent." Is there a
viable settlement amongst the parties to the current lawsuit and would the
addition of new parties significantly endanger resolution of this action?
- 7 2. Defendants' opposition to the motion appears to argue that the facts do not
8 actually support the theories alleged under the proposed amended complaint.
9 Why are these arguments not more properly the subject of a motion for summary
judgment?
- 10 3. Do the parties have anything further they wish to address?

11 Dated: January 17, 2006



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE